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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/640,526 08/17/00 NICOLSON

P CL/V-20676F

001095
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IM52/0706

EXAMINER

MICHL, P

ART UNIT

PAPER NUMBER

1714

DATE MAILED:

07/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 159-182 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 159-182 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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In the Preliminary Amendment, applicants cancelled claims 2-158 and submitted claims 183-206. However, applicants have not submitted claims 159-182. Accordingly, claims 183-206 have been renumbered 159-182.

Claims 159-182 are rejected under 35 U.S.C. § 112 second paragraph for failure to particularly point out and distinctly claim what applicants consider to be the invention. Claim 163 recites that the polymeric material comprises a silicone copolymer. However, the monomers recited in claim 163 do not include any silicone monomers. Therefore, the claims fail to particularly point out and distinctly claim what applicants consider to be the invention for the failure to recite any silicone monomer in the polymer.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 159-182 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lai '461 or Lai '717 or Valint or Mueller each in view of Hofer or Lin or Sugiyama or Kiguchi.

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Applicants' claims are directed to lens of a particular polymer composition which has been subjected to a surface treatment. The Lai patents, Valint, and Mueller all disclose applicants' recited lens having the required polymer material of fluorine monomers and comonomers. The difference between the claims and the Lai patents, Valint, and Mueller is that the references do not recite surface treatment. Hofer, Lin, Sugiyama and Kiguchi all disclose surface treatment of lens. See the Abstract and claim 1 of Hofer, Lin, Sugiyama, and Kiguchi. It would be obvious to one of ordinary skill in the art to subject the lens of the Lai patents, Valint, or Mueller to the surface treatment of Hofer, Sugiyama, Kiguchi, or Lin. The motivation is that it would be desirable to one of ordinary skill in the art to improve the lens of the primary references by the surface treatment methods of Hofer, Lin, Sugiyama, or Kiguchi.

Claim 1 is rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent No. 5,965,631. This is a double patenting rejection.

Claim 1 is rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-64 of prior U.S. Patent No. 5,760,100. This is a double patenting rejection.

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Any inquiry concerning this communication should be directed to Paul Michl at telephone number (703) 308-2451.

The Examiner's supervisor is Vasu Jagannathan phone number (703) 306-2777. The fax number for this group is (703) 305-3599.

PRMichl:cdc

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July 2, 2001


PAUL R. MICHL
PATENT EXAMINER
ART UNIT 156